

Message Text

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SUBJ: LAW OF THE SEA CONFERENCE - MEXICO

ENGLISH TEXT MEXICAN FOREIGN MINISTER RABASA'S GENERAL
DEBATE STATEMENT TO UNGA 3 OCTOBER HAS JUST BEEN MADE
AVAILABLE BEGIN QUOTE

THE PREPARATORY COMMITTEE OF THE THIRD UNITED NATIONS
CONFERENCE ON THE LAW OF THE SEA HAS JUST
CONCLUDED ITS WORK IN GENEVA WITHOUT HAVING ACHIEVED
SIGNIFICANT AGREEMENT ON SUBSTANTIVE QUESTIONS, SUCH
AS THE DEMARCATION OF THE TERRITORIAL SEA, THE NATURE AND
CHARACTERISTICS OF THE JURISDICTIONAL ZONE -- WHICH WE HAVE

BAPTIZED THE 'PATRIMONIAL SEA' -- CERTAIN ASPECTS OF THE
DELIMITATION OF THE CONTINENTAL SHELF, AND THE REGIME TO
BE APPLIED TO WHAT HAS BEEN CALLED 'THE COMMON HERITAGE OF
MANKIND'.

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DOUBTLESS THAT SITUATION AROSE OWING TO THE FACT THAT ALL THE EFFORTS MADE WERE NOT SUFFICIENT TO ACHIEVE AGREEMENTS THAT ARE INDISPENSABLE. WE WONDER, IN THESE CIRCUMSTANCES, WHETHER WE ARE IN A POSITION TO START A CONFERENCE ON THE DATE SET BY THE GENERAL ASSEMBLY, OR WHETHER WE MIGHT NOT BE BETTER ADVISED TO MAKE A LAST EFFORT THAT WILL ALLOW US TO GO TO THAT MEETING WITH AN ADEQUATE BASIS TO WORK ON.

IN ORDER TO DO SO, WE BELIEVE THAT THE BEST PROCEDURE MIGHT WELL BE THE FOLLOWING: TO INAUGURATE THE CONFERENCE HERE, AS PROVIDED, IN THE MONTH OF NOVEMBER; TO HOLD AN ORGANIZATIONAL AND PROCEDURAL SESSION FOR A PERIOD OF TWO WEEKS; TO CONVENE A PRELIMINARY MEETING IN WHICH ALL STATES INVITED TO PARTICIPATE IN THE CONFERENCE WOULD TAKE PART -- AND THE PRELIMINARY SESSION COULD BE HELD IN MARCH OR APRIL, EITHER IN NEW YORK OR IN GENEVA; NEGOTIATIONS WOULD CONCENTRATE ON THOSE PROBLEMS THAT CONSTITUTE THE NUB OF THE FUTURE LAW OF THE SEA, LEAVING FOR JULY AND AUGUST THE TASK OF ELABORATING THE CORRESPONDING INSTRUMENTS THEMSELVES.

WE ARE CONVINCED THAT, DURING THE THREE YEARS OF PREPARATORY WORK, ALTHOUGH AGREEMENTS HAVE NOT BEEN ARRIVED AT, NEVERTHELESS THE ESSENTIAL BASES OF WHAT MIGHT BECOME THE COMMON CONCEPTS OF A GREAT NUMBER OF COUNTRIES HAS BEEN LAID. I REFERE TO THE NEW CONCEPT OF THE 'PATRIMONIAL SEA', AS WE, THE COUNTRIES WHICH HAVE SIGNED THE DECLARATION OF SANTO DOMINGO, HAVE CALLED IT, OR THE 'EXCLUSIVE ECONOMIC ZONE', AS THE HEADS OF STATE OF THE ORGANIZATION OF AFRICAN UNITY HAVE PREFERRED TO CALL IT.

THIS CONCEPT INCLUDES TWO INSEPARABLE ELEMENTS: A TERRITORIAL SEA WITH A MAXIMUM WIDTH OF 12 NAUTICAL MILES, OVER WHICH THE COASTAL STATES EXERCISES FULL SOVEREIGNTY, AND A ZONE ADJACENT TO THE TERRITORIAL SEA AND EXTENDING FOR A DISTANCE OF 200 NAUTICAL MILES.

IN THE OCEANIC ZONE THE COASTAL STATE DOES NOT EXERCISE SOVEREIGNTY AS IT DOES OVER THE TERRITORIAL SEA, SINCE
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IT MUST SCRUPULOUSLY RESPECT THE RIGHTS OF ALL STATES, EITHER COASTAL OR LAND-LOCKED, TO THE FREEDOM OF NAVIGATION AND OVERFLIGHT AND TO THE LAYING OF SUBMARINE CABLES OR PIPELINES. HOWEVER, IN THAT ZONE THE SOVEREIGN RIGHTS OF THE COASTAL STATES WOULD BE RECOGNIZED WITH RESPECT TO RENEWABLE AND NON-RENEWABLE RESOURCES THAT MAY BE FOUND IN THE WATER COLUMN, ON THE SEA-BED AND IN THE SUBSOIL THEREOF, TOGETHER WITH RIGHTS RELATING TO THE

REGULATION OF SCIENTIFIC RESEARCH AND THE PREVENTION OF
CONTAMINATION OF THE MARINE ENVIRONMENT.

AS WAS EVIDENT DURING THE NEGOTIATIONS THAT HAVE
TAKEN PLACE, WE BELIEVE SINCERELY THAT THIS NEW
DEFINITION CAN SATISFY THE CLAIMS OF THE GREAT MAJORITY
OF STATES.

FORTUNATELY, THIS TIME WE ARE NOT FACING A POSITION
WHEREBY THE DEVELOPING WORLD IS PLACED IN
CONFRONTATION WITH THE HIGHLY INDUSTRIALIZED COUNTRIES.
WE HAVE NOTED WITH SATISFACTION THAT THE CONCEPT OF AN
EXCLUSIVE ECONOMIC ZONE, OR PATRIMONIAL SEA, HAS BEEN
ACCEPTED AND DEFENDED BY MEMBERS OF BOTH GROUPS. END
QUOTE.
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